



City of Seattle

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Greg Nickels, Mayor

**Department of Design, Construction and Land Use**

D.M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Numbers: [2104864](#)

Applicant Name: Ken Buss for Geri and David Keene

Addresses of Proposal: 2600 W. Marina Pl.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for construction of a retaining wall system accessory to the house at 1452 28<sup>th</sup> Avenue West. Work to be conducted on two adjacent properties and in the undeveloped right-of-way in a steep slope Environmentally Critical Area.

The following approval is required:

**SEPA** – Chapter [25.05](#) SMC

**SEPA DETERMINATION**      ☐ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS

☐ DNS with conditions

☒ DNS involving non-exempt grading, or demolition,  
   or involving another agency with jurisdiction.

Early DNS notice published August 2, 2001.

**RELATED PROJECT**

\*MUP #[2104858](#), 2807 W. Galer Street (cancelled application for work on adjacent site).

### Site and Vicinity Description

The project is located in the Magnolia neighborhood at the intersection of two unimproved rights-of-way: 28<sup>th</sup> Ave W. and W. Oakes St. The proposal encompasses land in the right-of-way, subject to review by the Seattle Department of Transportation (SDOT), and on the adjacent parcel to the southeast, 2600 W. Marina Pl. While the subject site is owned by the [Elliott Bay Marina](#), the applicant's clients are the homeowners of a single family house at 1452 28<sup>th</sup> Ave W, to the north of the site, across unimproved W. Oakes St.

The applicant proposes to reinforce an existing retaining wall and stabilize a steep slope system underneath the clients' home. Seattle Transportation has granted conceptual approval of the proposal, and the applicant has obtained a legal easement for work to be performed on the land owned by the Elliott Bay Marina.

The proposed work area is a steep bluff overlooking Elliott Bay and the Elliott Bay Marina. The City's Geographic Information Systems database identifies the site as an environmentally critical area (ECA) due to slopes in excess of 40% grade and potential for landslides. Landslides have occurred in the vicinity, identified by number in Figure 1 and the table below:

Slide ID	Date	Comments
296	2/1996	Slide near wall
367	3/1983	Little movement along slip plane - geotech did work on Metro sewer at toe - area was active in 1974 and 1982 as referenced by sewer breaks at toe of slope - affected 2703
916	1/1997	Slide to sidewalk
917	3/1987	Leaky water line owned by resident determined by Dames & Moore to be culprit for slide

The site is zoned as Single Family residential with a minimum lot size of 7200 sq.ft. (SF 7200). To the north, at the top of the bluff, the zoning transitions to Single Family residential with a minimum lot size of 5000 sq.ft. (SF 5000), and to the south across W. Marina Pl. land is zoned Commercial 2 with a 40-foot height limit (C2-40). See Figure 2.

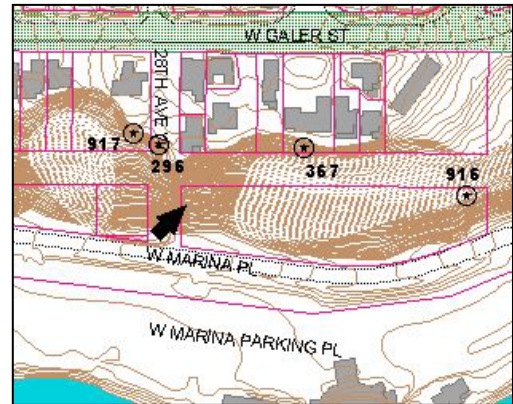


Figure 1 Vicinity topography.

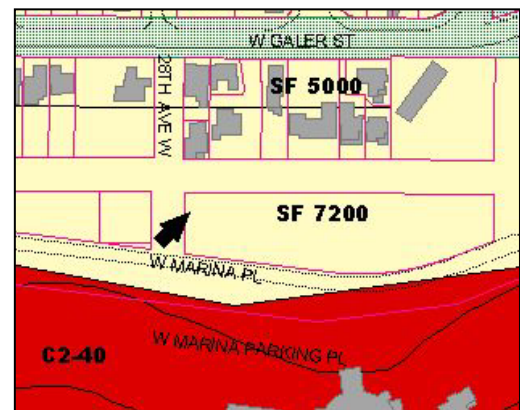


Figure 2 Vicinity zoning.



Figure 3 Aerial photo.

### Proposal Description

The proposal is to construct a shotcrete retaining wall accessory to the house at 1452 28<sup>th</sup> Avenue West, to supplement the existing soil retention system. The proposed wall would extend across much of the intersection of two undeveloped rights-of-way and a portion of the lot to the southeast, subject of this review. The project includes grading and fill associated with a toe-drain at the base of the proposed wall, an interceptor trench, wall footings, and a PVC drainpipe leading to a storm drain. Estimated cut is to be 141 cubic yards, and fill will be 79 cubic yards.

### Public Comment

DCLU received no comment letters in response to the application.

### ANALYSIS – SEPA

The proposal site is located in a steeply sloped, landslide-prone critical area, thus the application is not exempt from SEPA review. However, SMC [25.05.908](#) provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC [25.09](#); and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC [197-11](#), and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter [25.05](#)).

DCLU issued an early determination of nonsignificance on August 2, 2001, under DCLU project #2104858. The applicant has submitted a signed environmental checklist dated July 2, 2001, and a geotechnical report prepared by [GeoEngineers](#) and dated July 2, 2001. Information in these environmental documents, plans and other information submitted by the applicant, and the permitting agency's experience form the basis for this analysis and decision. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC [25.05.665](#)).

The SEPA Overview Policy (SMC [25.05.665](#)) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such

limitations or circumstances (SMC [25.05.665 D](#)) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope ([25.05.794](#)).

#### Conclusion - SEPA

In conclusion, DCLU finds effects on the environment resulting from the proposed soil retention system. However, proposed mitigating features of the proposal are intended to mitigate specific impacts identified in the environmental checklist and supplement studies and foregoing analysis to lessen or prevent impacts not regulated by codes or ordinances, per adopted City policies.

#### DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIA is not required under RCW 43.21C.030(2)(C).
- ☐ [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

#### CONDITIONS – SEPA

None.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott A. Ringgold, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Division